

## HAMILTON COUNTY BOARD OF COMMISSIONERS

APRIL 9, 2001

The Hamilton County Board of Commissioners met on Monday, April 9, 2001 in the Commissioner's Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session until 2:05 p.m. President Dillinger called the public meeting to order at 2:10 p.m. A quorum was declared of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark. The Pledge of Allegiance was recited by everyone.

### **Approval of Minutes:**

Clark motioned to approve the minutes of March 26, 2001. Holt seconded. Motion carried unanimously.

### **Executive Session Memoranda:**

Clark motioned to approve the Executive Session Memoranda of April 9, 2001. Holt seconded. Motion carried unanimously.

### **Chesterton Sewer Project: (Tape 1, #50)**

Mr. Jay Alley, Utility Manager of the Clay Regional Waste District, stated the Chesterton/Wild Cherry Lane area sanitary sewer project involves 95 property owners in an un-incorporated area of the county near 96th Street and Keystone Avenue. Mr. Alley read a statement describing the Clay Regional Waste District's duties (available on the tape). Mr. Alley stated they take issue with two issues, adjustability of manhole elevations and granular backfill for all areas within a 45 degree angle of edge of pavement. The adjustability of manhole elevations is a problem for the district from a functional standpoint. It creates opportunities for inflow and infiltration of brown water from storm drainage and creates potentially unsafe and unstable conditions for manhole entry by district personnel. Adjusting casting elevations can always be done by the district, at it's cost, in the future if and when a drainage project requires it. We stand ready to do so at the appropriate time. The granular backfill standard extends outside of paved areas by our calculations as much as 12' in some places. It is not either practical to construct or safe for trench box construction when 8' to 12' in depth is involved. We are aware of only one other project, a water line, less than 5' in depth where this has been required and the construction methods are not the same in our opinion. The district has used standard specs of granular backfill of within 5' of pavement, which has seemed to work well historically. We know the neighborhood has been on the county's paving schedule we are not aware of any plans to widen the road in this area, which might justify the extensive additional backfill requirement. If the roads in Chesterton are widened we will do what is needed at district expense for the development of the road and protection of our sewer. We currently have two different relocation projects bid for work along US 421 where the district must bear the expense for relocating the sewers. We take our responsibility to other area infrastructures seriously.

Mr. James Farrell, Highway Department Inspector for Clay Township. Mr. Farrell stated at certain points throughout this project the water line is being installed at approximately 17' deep and 5' to 7' off edge of pavement. This is not the majority of the project, but is at certain points throughout. The standard is 6" below an 8" pipe they will be required to have granular fill and 1' above it. Along Wild Cherry Lane there will be certain points that it will be as deep as 8' the angle of repose. That is the section the Highway Department would like to have compacted. We would allow them to do this in 12" lifts. It is not practical to have that compacted. Mr. Alley asked if this involves a section of Wild Cherry Lane that is a private street that is not under county jurisdiction? Mr. Farrell stated there is a section of Wild Cherry Lane from 96th Street that is private. There is a break point and from there on it is the county's jurisdiction. That is the section Mr. Farrell is speaking about. From there the separate streets of Haverstick, Chambray, Chesterton and Woodbriar falls into the 6" to 1' below the angle of repose that would not be affected by this. We are trying to protect the edge of road from break down. Holt asked if 45 degrees is the angle of

repose? Mr. Farrell stated from edge of pavement. Holt asked if you are saying the fill that you are asking them to provide is to make it correspond to the angle of repose? Mr. Farrell stated no, underneath the angle of repose we would like to have compaction at any point that the pipe is installed, then they don't get their 1' minimum above that which they are required to have, whether it is 2' or 5' we would like to have that compacted in maximum 1' lifts so the material has been compacted. Holt asked if there is granular fill, do you need compaction? Mr. Farrell stated everything that falls underneath the 45 degree angle should be compacted. Holt asked how do you compact granular fill? Mr. Farrell stated we recommend using a vibratory plate on the back of an excavator. Holt asked why do you not use granular fill? Mr. Samuel Moore, Moore & Associates, 7102 Parkway West Drive, Indianapolis, stated he is the consulting engineer for the Clay Township Regional Waste District. Mr. Moore stated the cost is why they do not use granular fill. We had the original project of 34 miles of sewer installed primarily within the roadways in the Home Place area. Since that time there has been an excess of 36 miles of sewer installed in Clay Township. We have had projects in existing subdivisions where we have installed sewers with the standard we proposed on this project, with no kind of problems. The standard has been within 5' of edge of pavement or toward the road that you use granular backfill all the way to the top of the trench and restoration. When you are outside of that area you generally do not, but if the side of trench might slough in for any reason what so ever, you would use granular material. The district has a full time resident inspection on these jobs and has fulfilled that requirement throughout the existence of the district when the original project was installed. Mr. Moore stated there needs to be an expiration on this distance from edge of pavement if you are using the 45 degree angle. This is a requirement that is in far of excess from INDOT requirements. Holt asked if there is any industry standard on deep pipe for how many feet from edge of pavement? Mr. Moore stated basically 5'. Holt asked if you are proposing putting the granular fill in at the angle shown? Mr. Moore stated he is proposing that we not put the granular fill in. It is not a threat to the pavement.

Mr. Stevens asked if Mr. Moore is admitting that if your trench comes within 5' of pavement that you would go with granular fill? Mr. Moore stated that is their plan. Mr. Stevens stated as long as it is in excess of 5' you would not? Mr. Moore stated we are not planning on it. Mr. Stevens asked if the trench is up to 14' deep? Mr. Moore stated yes. It requires us to get easements in a lot of places and that adds to the cost as well. Mr. Stevens stated in theory this settlement could adversely affect the pavement. Mr. Stevens stated he concurs that he knows of no instances where we have had that kind of problem from their utility. We have had some severe problems throughout the county with specific water lines because of lack of compaction in a trench we have lost the edge of roadways. Mr. Stevens stated he thinks he concurs, as long as the 5' berm is maintained and as long as we are going granular for any time we get within that 5'. Dillinger asked who inspects that and makes that determination? Mr. Stevens stated we have part time inspection, Clay Township provides full time inspection. That should be made a condition of the permit. Mr. Stevens stated the problem is when we have failure of the roadway it would be the settlement of the 14' trench. That is an expensive repair. Mr. Howard asked if that becomes a written commitment? Mr. Alley stated in terms of us making necessary repairs? Mr. Howard stated if the 5' granular fill is all the farther we are requiring, if in fact it goes beyond that and there is a failure, the district would stand behind it? Mr. Alley stated they would absolutely do that. Our location in your existing right of way, if there is a road project that effects us or if our project has adversely affected a road you have every right to look to us to make that right. Mr. Stevens stated we are looking at this as a brand new pavement and we would rather not experience failures of brand new pavements. Holt stated if that is acceptable to Mr. Stevens the other issue is the expanding manhole covers, why is that an issue? Holt stated he understands the casting will be replaced if it is not in the right spot but there is a danger to employees of getting in and out of the manhole if it is adjustable. Mr. Alley stated their standard calls for a maximum of 12" of riser rings. Mr. Farrell stated when the final ditch line restoration is complete we will be able to have them even with the ditch line. We settled that all manholes are to be completely flush with top of ditch line with the ability to be lowered up to 12" for future ditch line reshaping. We have agreed to 12" maximum. Mr. Alley stated it was his understanding that in some cases more than 12" would be required. Mr. Farrell stated in the meetings we have had we initially talked about this. When we were told about OSHA regulations, we understood and we agreed that 12" is fine. Clark stated it is her understanding they will be out of this neighborhood by August 1st? Mr. Alley stated their contractor has a completion date around July 4th, immediately following that there is a 30 day period that the sewers have to settle before any testing can occur. We would not suggest paving during the 30 day testing period. Clark stated her issue is

that the paving contract could get moving. Can those roads be put back into the paving program? Mr. Farrell stated the next utility coming through is water and that is why the paving schedule is cut back. It is not realistic that the roads will be paved this year because the water company is going to come through and tear up the roads. Mr. Alley stated the water company is not a mandatory connection, the sewer connection is. The water lines are shallower and in a lot of cases like this they directionally bore everything. Conceivably there is a chance that they would not have as much impact on the streets as our project does. Due to separation requirements we can not be on the same side of the street with the water company. They will not go ahead unless they know that financially there is a certain percentage of property owners that have committed to participate. We can follow up with the water company to find out where they stand in this process and communicate it back to the Highway Department.

Holt motioned to accept the compromise that has been reached between the Highway Department and Clay Regional Waste District and request that a memorialization be prepared that includes Mr. Alley's assurance to us that if there is pavement failure that the Clay Regional Waste District will stand good for it. Mr. Howard asked if this is for this area only? Holt stated yes. Clark seconded. Mr. Stevens asked if this includes that if the trench comes within 5' of the pavement that it will be granular fill? Holt stated right. Motion carried unanimously.

#### **Highway Business: (Tape 1, #1270)**

##### **Acceptance of Bonds/Letters of Credit - Highway Department:**

Mr. Tom Stevens requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B01-0029 - Western Surety Company Permit Bond No. 69123539 issued for Wilson Water & Sewer Service, Inc. in the sum of \$25,000 to expire March 2002. 2) HCHD #B01-0030 - Ohio Farmers Insurance Company Bond No. 5885646 issued for S&B Construction Company, Inc. in the sum of \$5,000 for installation of water line in right of way at River Ridge, E. 96th Street to expire March 23, 2002. 3) HCHD #B01-0031 - United States Fidelity and Guaranty Company Bond No. 400SG2176 issued for Bowen Engineering Corporation in the sum of \$5,000 for entrance for temporary access to White River North Water Treatment Plant to expire April 9, 2002. 4) HCHD #B01-0032 - Erie Insurance Company Performance and Payment Bond No. Q866570077 issued for Wabash Ford/Sterling Truck Sales, Inc. in the sum of \$249,720.00 for (2) tri axle dump trucks to expire November 28, 2001. 5) HCHD #B01-0033 - Ohio Farmers Insurance Company Bond No. 5885646 issued for S&B Construction Company, Inc. in the sum of \$5,000 for installation of water line at River Ridge, E. 96th Street to expire March 23, 2002. 6) HCHD #B01-0034 - Ohio Farmers Insurance Company Bond No. 5825455 issued for Young Trucking Inc. in the sum of \$25,000 to hauling de-icing salt and expires March 1, 2002. 7) HCHD #B01-0035- United States Fidelity and Guaranty Company Payment Bond issued for Milestone Contractors in the sum of \$394,958.30 for Contract 01-2 to expire March 12, 2003. 8) HCHD #B01-0036 - United States Fidelity and Guaranty Company Performance Bond issued for Milestone Contractors in the sum of \$394,958.30 for Contract 01-2 to expire March 12, 2003. 9) HCHD #B01-0037 - United States Fidelity and Guaranty Company Performance Bond issued for Milestone Contractors in the sum of \$717,157.65 for Contract 01-1 to expire March 12, 2003. 10) HCHD #B01-0038 - United States Fidelity and Guaranty Company Payment Bond issued for Milestone Contractors in the sum of \$717,157.65 for Contract 01-1 to expire March 12, 2003. Clark motioned to approve. Holt seconded. Motion carried unanimously.

##### **Release of Bonds/Letters of Credit - Highway Department:**

Mr. Stevens requested release of Bonds and Letters of Credit for the Highway Department. 1) HCHD #B99-0055 - Frontier Insurance Company Subdivision Bond No. 143495 issued for Estridge Development Company in the sum of \$194,655.00 for Centennial, Section 1 for curbs. 2) HCHD #B99-0056 - Frontier Insurance Company Subdivision Bond No. 143496 issued for Estridge Development Company in the sum of \$50,734.00 for Centennial, Section 1 for offsite road improvements (Spring Mill Road and 156th Street.) 3) HCHD #B00-0069 - Developers Surety and Indemnity Company Permit Bond No. 885367C issued for Estridge Development Company in the sum of \$5,000 for construction in road right-of-way for Centennial. 4) HCHD #B00-0120 - Developers Surety and Indemnity Company Performance Bond No. 885925S issued for Estridge Development Company, Inc. in the sum of

\$105,580.00 for curbs in Centennial, Section 3. 5) HCHD #B00-0122 - Developers Surety and Indemnity Company Performance Bond No. 885948S issued for Estridge Development Company, Inc. in the sum of \$40,000.00 for curbs in Centennial Townhomes. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Agreements:**

**Bridge #156 Utility Agreement - PSI Energy, Inc.:**

Mr. Stevens requested approval of Utility Agreement HCHD #M-01-0016 for Bridge #56 on 110th Street and Carmel Creek with PSI Energy, Inc. Clark motioned to approve. Holt seconded. Motion carried unanimously.

**Bridge #17 Utility Agreement - Ameritech:**

Mr. Stevens requested approval of Utility Agreement HCHD #M01-0017 for Bridge #17, 246th Street over Teter Branch with Ameritech. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**96th Street from Fall Creek Road to Olio Road Preliminary Engineering Agreement:**

Mr. Stevens requested approval of the Preliminary Engineering Agreement HCHD #E-01-0005 with Paul I. Cripe, Inc. for reconstruction and widening of East 96th Street from Fall Creek Road to Olio Road including bridge replacement of Bridge #263 over Bill's Branch and related work. This agreement has a not to exceed amount of \$250,990.00. Holt motioned to approve. Clark seconded. Clark asked if this item is in front of the County Council for funding on Wednesday night? Mr. Stevens stated the funding for this agreement is currently being requested from County Council on Wednesday night. Clark asked why are we negotiating an agreement before funding is in place? Mr. Stevens stated that is not uncommon. There will not be a notice to proceed until funding is approved. Clark stated we have invested highway staff's time negotiating an agreement for something that may or may not be funded. Mr. Stevens stated this is a project that was identified by the Commissioners as a priority project. Dillinger stated we directed them to do this. Dillinger and Holt approved. Clark opposed. Clark asked if this was quality based selection? Mr. Stevens stated all of our selections for consultants are quality based. Clark stated she has asked that question before and been told we do not do QVS. Mr. Locke has stated we do not, which includes an RFP, etc. Mr. Stevens stated the quality based selection process is based on selecting consultants based on their qualifications. The reason the State and other counties promote this selection process is because they do not want to do bidding for professional services and awarding professional agreements based on a bid process. It is quality based. Motion carried.

**Olio Road Engineering Agreement:**

Mr. Stevens requested approval of Preliminary Engineering Agreement, HCHD #E-01-0006 for reconstruction of Olio Road and replacement of Hamilton County Bridge #191 carrying Olio Road over Geist Reservoir with United Consulting Engineers & Architects in a not to exceed amount of \$758,500.00. This is pending funding by County Council on Wednesday night. Holt motioned to approve. Dillinger seconded. Dillinger and Holt approved. Clark opposed because this is not a funded project. Motion carried.

**Village of West Clay Subdivision Inspection and Testing Agreements:**

Mr. Stevens requested approval of Subdivision Inspection and Testing Agreement for Village of West Clay, HCHD #A00-0011, with Brenwick Development and USI Consultants in the amount of \$2,300.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Guilford Park Subdivision Inspection and Testing Agreements:**

Mr. Tom Stevens requested approval of Subdivision Inspection and Testing Agreement for Guilford Park, HCHD #A01-0002 with Dura Development and EDIS, Inc. in the amount of \$10,400.00.

Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Five Year Bridge Management Program:**

Mr. Stevens requested permission to distribute the Five Year Bridge Management Program to the County Council. Clark stated she is concerned about Bridge #191, Olio Road over Geist, will this utilize our Major Bridge Fund so there is no other monies available? Mr. Stevens stated this is the next bridge for design under the Federal Aid Program. Holt motioned to approve the distribution of the Five Year Bridge Plan to the County Council as the plan we have approved. Clark seconded. Motion carried unanimously.

**Strawtown Avenue Project Request to Advertise:**

Mr. Stevens requested permission to advertise for the Strawtown Avenue Project for construction from Joyce Avenue to east of SR 37. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Bid Award:**

**Aggregates:**

Mr. Stevens recommended the bid award for Aggregates be awarded for Category 1a, Stone Aggregates to Irving Materials, Inc. In Category 1b, Gravel Aggregates be awarded to U.S. Aggregates, Inc. Holt motioned to approve. Clark seconded. Holt asked if Martin Marietta's bid on the rebid? Mr. Stevens stated yes. Clark asked if Irving Materials came in as the low bid and they neglected to bid the first time? Mr. Stevens stated correct. It was an oversight on their part. Clark stated she objected strenuously at that time because it was very unfair to Martin Marietta. Holt stated the bid we are accepting is 25% lower. Dillinger stated he agrees it is unfair to Martin Marietta, but our task is to be fair with the citizens. Holt stated we have saved the taxpayers \$25,000. Clark stated it is no wonder the bid came in less, once the original bid was made public. Once the bids were made public it is very easy for a vendor to come in lower than the original bids. Clark stated she would have had no trouble rebidding if the original bids had not been made public. Mr. Stevens stated the bids were received in a public meeting and they are a public information. Holt stated there was an allegation made that the bid results were mailed out and that was not the case. Dillinger and Holt approved. Clark opposed. Motion carried.

**April County Council Meeting:**

Mr. Stevens stated he prepared a list of all the requests from the Highway Department that will be discussed at the April County Council meeting and tomorrow morning with the Council Highway Committee. Ms. Clark has asked for funds available in existing accounts for purpose of discussion today. Clark stated she requested that account information because the funds as presented

in February have considerably changed. There is almost \$1 million that we were told we had but because of various errors that is not the case. Clark stated she is hoping the Commissioners reconsider what we are asking the County Council for on Wednesday night. If we spend the \$1.7 million on Wednesday night we can not do any other projects this year. Clark stated she still thinks 96th Street and Towne is one of our priorities as well as Mollenkopf and 96th Street. As the Commissioners know we have letters from the City of Indianapolis offering their participation in those projects. There will not be money to do those projects if we go forward with these requests. Dillinger asked why do you say we would not have money, we have a \$19 million surplus? Clark stated she is talking Highway money. Dillinger stated it would take four Council members to transfer the money into these accounts. Dillinger stated he is talking about COIT monies. Clark stated he is talking monies that she thought would be needed to expand the Juvenile Detention Center. Clark stated she is only talking highway funds. Dillinger stated that is already appropriated. Clark stated that is in the highway fund account. Dillinger stated yes. Ms. Judy Levine stated the County Council will be going over the numbers at 5:00 p.m. before the County Council meeting. Ms. Levine stated she does not think Commissioner Dillinger's number is accurate. Some assumptions were not correct. Dillinger stated these are the numbers our financial consultant gave us.

Ms. Levine urged the Commissioners to come and look at the new figures and there are requests for appropriations for other things. Dillinger stated information from our financial advisor states we need to keep \$7 million in reserve. Ms. Levine stated it is more than that. We will have better numbers Wednesday. Clark stated we are designing four projects to the tune of \$1.7 million. We have projects designed and ready to go that require \$6 million and she does not understand why we do not build what we have ready. The voters do not understand why. Even if the County Council gave us every COIT dollar they have, we do not have the funds to build the four projects you are getting ready to design. Dillinger stated no, but if they use a fraction of it and use a bond issue they could. Clark stated we are going to once again spend money that is not within our income? Dillinger stated no, we are in one of the lowest bonding times ever. With the bond market today and allow the people moving into Hamilton County to participate in the paying for those bonds and get the projects done in a timely basis. Clark stated she has no problem bonding if the project is needed. She has a great deal of problem bonding if it is a "want" project. Clark stated we are not building projects that are needed. Dillinger stated he wants to include the projects Clark is talking about. Clark stated we could build those projects if we quite designing new ones. We had money to do that without bonding. Whenever you bond you pay twice for the project. You only borrow money if you have no other choice. Dillinger stated he does not think that is a correct statement. Clark asked why are we not building the projects we have funded and ready to go? Dillinger asked what specific projects? Clark stated 96th Street and Mollenkopf and 96th Street and Towne Road. These have been severely congested for 10 years. We have delayed these projects because Indianapolis had not communicated with us. Indianapolis is now willing, ready and happy to participate. Dillinger asked how much is the 96th Street and Towne Project? Clark stated that has not been refigured based on the new design. Clark stated the original design was approximately \$3 million. Dillinger stated Indianapolis is going to put in \$25,000 plus \$50,000 a year for three years? Clark stated it is not their duty, it is our duty to build that intersection. They do not ask for people on the southern side of Indianapolis to help them with their southern boundaries. Dillinger stated for 96th Street to be built is not an asset to Marion County? Clark stated yes it is an asset but by statute it is our responsibility. It is very good that they are participating with us. Dillinger stated that is wonderful, but he sees no reason that it can't be done, that the other proposed projects can't be done. Clark stated by bonding? Dillinger stated we could probably do it without bonding but we definitely could do it with bonding. Clark stated you think we can design four new projects and build the projects we have committed to with the money we have? Dillinger stated he does not know what the cost figures are so he can't say that. Clark stated even if we have commitment or reason to build those intersections with the money we have, we do not have the \$6 million we need to build 96th and Mollenkopf, 96th and Towne and the two Springmill intersections. Dillinger asked what about the interlocal agreement with Noblesville regarding the Hazel Dell intersection construction? Clark asked if they are willing to pay for half the engineering? Dillinger stated yes. Clark stated that is commendable but if we spend that money on design we will not have money to construct the projects we have designed. Holt stated at the retreat there was a consensus with the County Council that it made sense to get as much designed as possible with existing funds and then look at a bond issue to get things built in an orderly fashion. We need to be expanding the infrastructure as quickly as we can in a responsible manner. The way we are going about doing it by paying for engineering and financing construction seems to be very logical. Clark stated when you say financing you mean bonding? She did not hear that at the retreat. Dillinger stated the will of the commissioners by majority vote is this priority list the County Council has. Clark asked if we are going to respond to the letter from the Indianapolis Public Works regarding this issue. Mr. Stevens was just given a copy of the letter and has not had time to review it. Holt asked to table this issue and ask the Highway Department to bring us a recommendation at the next meeting.

#### **State Road 47 Detour:**

Mr. Stevens requested approval of the INDOT road detour for State Road 47 over the Thistlewaite Legal Drain. Mr. Stevens stated their only concern is that large trucks may have difficulty making the turn at the intersection of West Road and 241st Street. If it would be signed for trucks, the sign would have to be on Sheridan's portion of the roadway. Mr. Stevens recommended signing the unofficial detour. Holt motioned to approve. Clark seconded. Dillinger and Clark approved. Holt abstained. Motion carried.

### **161st Street Twin Pipes:**

Dillinger asked for an update from Mr. Howard if he has drafted the letter regarding the twin pipes on 161st Street? Mr. Howard will have that letter at the next meeting.

Dillinger called a break. Dillinger called the meeting back to order at 3:40 p.m.

### **Lantern Road Unsafe Home: (Tape 1, #2581)**

Mr. Chuck Kiphart stated the latest information regarding the Mary Ellen Smith home on Lantern Road is that Ms. Smith's attorney had a court case today and would be unable to attend today's meeting. He requested this discussion be put off until the first Commissioner's meeting in May. It was indicated there is a plan for doing work on the house and that information would be faxed in time for today's meeting. Mr. Kiphart has not received anything from the attorney's office. Mr. Kiphart recommended giving Ms. Smith one more time. Holt motioned to approve. Clark seconded. Motion carried unanimously.

### **Poor Relief Appeal - Frank Hart:**

Mr. Frank Hart, 1053 N. 10th Street, Noblesville stated he applied for relief from the Noblesville Township Trustee for his mortgage payments. He was denied the relief. Mr. Hart stated he has never been late on his mortgage payments, he did not know this program was available. He has worked eight (8) days of the last 118 days. He is a good citizen and started many programs in Noblesville. This is the first time he has asked for help and he was denied. He still needs the relief. On the application he was asked if there is a rental on his property and he stated there was not. Mr. Hart stated he has not received any rent on that property since November 1st. He received the first rent payment on April 30th.

Ms. Billie Caldwell, Noblesville Township Trustee, stated Mr. Hart was denied relief for falsifying his application according to IC 12-20-6-6.5. Ms. Caldwell stated we gave Mr. Hart several opportunities to tell us that he did have rental property and he denied it. Dillinger asked if that alone would qualify for denial? Ms. Caldwell stated yes it would, it is an automatic denial for 60 days. Clark asked what is the result of the denial? Ms. Caldwell stated he will be late on his mortgage payment. We know that he has a \$27,000 annuity that he could have applied for on April 1st, which as of today he has not applied for. We were also told today that Mr. Hart could be given a check at the end of April for some of this money so he would be able to pay his mortgage. We do know that someone has lived in the apartment since March 1st. Ms. Caldwell does not know why Mr. Hart has not received rent. Dillinger asked what kind of annuity is it? Ms. Caldwell stated she is assuming it is retirement. They received the information from the iron workers, which is Mr. Hart's profession. Mr. Hart stated he has submitted the paperwork that they asked for. The paperwork states it would take 60 days to receive the money from the annuity. Ms. Caldwell stated that is not what she was told this morning. Dillinger asked if it an individual annuity? Mr. Hart stated it is a group annuity. Dillinger asked if it is qualified money, under a pension plan or 401K? Mr. Hart stated it is a separate annuity that he puts money in every week before taxes. That money was not available from December to April 1st. He has not received any income from December 8th until a week ago. He did receive some workers compensation until the first week of January. Dillinger asked Mr. Howard if there is discretionary action to the statute? Mr. Howard stated you may, the issue is if you are going to overturn Ms. Caldwell's determination. Ms. Caldwell has the authority to disqualify because of falsification. Dillinger asked if Mr. Hart qualified in all other ways? Ms. Caldwell stated yes, had he told the truth. Dillinger asked Mr. Hart why he did not do that? Mr. Hart stated he had not received any rent money since November 1st on that apartment and he was desperate. This is the only time he has asked for help for anything in his life. Dillinger asked if Mr. Hart lied on his application because you were desperate? Mr. Hart stated yes, he was very desperate. He has two (2) small children at home, he has never been late on a payment in his life or bounced a check. This was his first time and he was scared. Dillinger asked why are you not working? Mr. Hart stated he is an iron worker and he goes by the union hall 4-5 times a week and he makes numerous calls a week. In the winter we slow down. Dillinger asked Mr. Hart if he realized when he filled out the application that he was lying when you said you did not have a rental? Mr. Hart stated he does not remember the exact question on the paperwork, if there was a question he probably said there was not a rental there since it had not been rented since November 1st. Someone moved in the apartment in March, but he did not pay Mr. Hart until the end of the month. Dillinger asked when did you

make the statement when you did not have a rental? Mr. Hart did not know the date. Ms. Caldwell stated March 16th. Clark asked if it says other income or specifies rental property? Ms. Caldwell stated it specifies rental property. Ms. Caldwell stated read the report of her case worker that asked the question if he had a rental and Mr. Hart stated no. Holt stated the issue is that the Trustee followed the statute, not whether we substitute our judgement for hers on a discretionary act. The Trustee has made it crystal clear she was within the statute in denying Mr. Hart the assistance. Holt motioned to deny the appeal. Clark seconded. Motion carried unanimously.

### **Ordinance 3-26-01-B, Establishing an Orthophotography Fund: (Tape 1, #3278)**

Holt stated he would like an explanation of the frequency of flights. Mr. Stout stated to fly the county and update the topographic and planimetric data is flown every two years for \$517,000.00. Holt asked which office holders receive benefit from doing it at that frequency? Mr. Stout stated the Auditor's Tax Mapping office two most important elements are a deed and aerial photo, the Surveyor's office can see drains, tiles and drainage structures and the topographic data is the 2' contours which we update every two years. Roads and road drainage are prominent features on the aerial photography. The Plan Commission uses aerial photography to check historical conditions of property and to find violations. Mr. Stout presented a handout showing comparisons between 1998 photography and March 2000 photography. Holt asked if there is a national standard as far as how often the photography is to take place? Mr. Stout stated no there is not. In some counties where there is not a great deal of change they do not fly it this frequently. Marion County receives new photography every year.

Mr. Kent Ward, Surveyor, stated the topography is important to his office. Holt stated if the Surveyor's office knows the drain has changed where countless numbers of hours are used to engineer and construct the drain, how does this assist you? Mr. Ward stated on this issue it will help the plan reviewers, they do not know where every drain is. Holt stated on that theory it should be flown every week or every month. Before aerial photography how did your planners know? Mr. Ward stated we used to go on site and look at the plans. We can't do that anymore because of the number of plans that come in. (Tape 2, #180) Holt asked if someone brings a plat in, is it scanned into GIS? Mr. Ward stated Tax Mapping actually draws the lots and streets in. It is then sent to the Surveyor's office where the streets are put in on the Surveyor's level. Holt asked when the plan reviewer holds out an area, why are they not seeing that because it was drawn in by either Tax Mapping or your office? Mr. Ward stated there are different levels of GIS and if that level is not turned on you may miss it. Holt stated in theory we are entering all the data as it comes to us, so we should never have to fly it. Mr. Ward stated not on the topographics or all the planimetric data which is the houses. Holt asked if Tax Mapping knows a house goes up on a lot? Mr. Ward stated they know a house goes on a lot, they don't know what the outline of the house is or when the house is going on the lot. They only see the transfer of the land. Holt asked how do they pick it up for taxes? Ms. Debbie Folkerts stated for the Assessor's purposes we use building permits. We have to go out in the field. We use the aerial and planimetrics when there is a problem. For the Assessor's purposes we do not need it every 2 years. She is here to represent Tax Mapping and the GIS Committee. For Tax Mapping and you are working on a deed and 90% of your deeds are incorrect and you have the map in front of you with the aerial it is much easier to get that correct. Holt stated the majority of those parcels are platted lots? Ms. Folkerts stated correct. Holt asked if those are drawn in according to GIS or the Surveyor? Ms. Folkerts stated it is according to the plat. Holt asked when you get a plat of 250 lots in a subdivision, there is no meets and bounds for every lot, you have one for the whole thing. How is that put into GIS? Ms. Folkerts stated up to about 2 years ago it is by hand. Now the engineer will give us a disk, it still has to be placed, moved and shifted. It may overlap onto another subdivision or in the middle of the road. The more current aerial you have underneath to judge where that actually is sitting the better it is. Holt asked what is the difference between a 6 month old map and a 36 month old map? Ms. Folkerts stated the difference is that a lot of times the roads may be there for 6 months to a year before they start platting. If we have the actual roads to see underneath you can judge where the plat is going to sit. Holt asked if you are off 100', what is the difference? Ms. Folkerts stated for Tax Mapping purposes it is a representation for taxation. It affects more technically for them more than it affects the Surveyor or the Highway to have it more current as possible. Mr. Stout stated the two things we can not get from building permits or from any source other than aerial photography is topography and building outlines. Holt asked who is affected by where the building sits exactly on the lot? Mr. Stout stated



the Plan Commission, perhaps the Health Department, the Fire Department. We do share this information with cities and towns. Ms. Judy Levine stated this is an important tool for all of these departments to use as well as planners and developers to give a look at it visually. The topography is constantly changing. Hamilton County is the fastest growing county and maybe in a few years we will be able to do it every 3-4 years. The rationale of this fund is that it is non-reverting so we can put a little bit away in the years we are not doing it so we don't have to put in as much in the year we are doing it. Holt stated the problem is doing it that frequently. When he thinks of the intersection needs we have and you sharing that there is not as much a surplus as thought, he would rather be doing something that is nice, less frequently and doing something that is critical like keep traffic moving. Ms. Levine stated this ordinance does not address how often it is done, but that we can accrue money and it does not revert the money back to the general fund. This policy can be taken up at a policy meeting at a later date. From a financial standpoint she would rather have that money accrue so it is there when we need to fly these instead of coming up with one lump sum in one fiscal year. Holt stated that makes sense and he does not have a problem with that. It was presented to us that it was a recommendation for every 2 year fly over. Mr. Ward stated that was the recommendation by the committee. Mr. Ward stated we do it every two years, phase 2 of the water regs are coming and we are going to have to be more creative with our funding especially looking at land uses and hard surfaces. It would be better to have the aerial photography every 2 years rather than every 3 or 4 years. Dillinger asked where is there an economic benefit of flying it every 2 years? Are we going to get more tax revenue because we noticed something that we were not going to get before? Mr. Ward stated no. Mr. Ward stated this ordinance does not address the frequency, it addresses the ability to accrue the money. Mr. Stout stated the original recommendation from our consultant was to fly it every 3 years, but the policy committee felt this was not frequent enough for the amount of change we are seeing. This ordinance is just trying to accomplish a way to spread out the budgeting for these updates. Dillinger asked if something should be in the ordinance regarding the frequency. Ms. Levine stated the issue before you today is to set up a non-reverting fund with no specific amount of money that has the ability to accrue on this specific item. Holt motioned that on paragraph 2 on the last line where it says "or any other revenues in such amounts as the County Council in their discretion deem just and reasonable" add "orthophotography no more often than every 3 years beginning in 2001 unless otherwise agreed by the Commissioners and approved by the County Council." Dillinger seconded. Holt stated this can always be amended. Dillinger stated we know that \$500,000 is an escalating number. Mr. Stout stated that number will probably decrease because of advancing technology. A lot of the cost is due to technology. We do anticipate that for the same scope of work, the cost would gradually be diminishing. Clark stated this ordinance will give us budgeting guidance for the next 3 years. Mr. Stout stated once we start asking for money from Council we would ask for about 1/3 each year. If we get to 2 years and find we need the information we would have to ask the Commissioners to reconsider and ask Council for an additional appropriation. Motion carried unanimously on the amendment. Holt motioned to approve the ordinance as amended. Clark seconded. Motion carried unanimously. Clark asked if we had money in the budget to fly this year? Mr. Stout stated there was money in the budget for 2002, 2003 and 2004.

#### **Commissioner Committee Reports: (Tape 2, #1060)**

#### **Emergency Management Office Relocation:**

Clark stated she received a letter from Bob Hendericks, Emergency Management Director, requesting the possibility of his department moving into the office of old highway facility on Pleasant Street. Holt stated he thinks it is a good idea. He would like finality on the Household Hazardous Waste issue and to act on it this afternoon would be premature. Clark stated her position is with or without household hazardous waste facility, Mr. Hendericks is in need of more space. Holt stated the other issue was how much of this office is he needing? Holt suggested Mr. Hendericks take a tour of the office and prepare a proposal with his needs back to the Commissioners.

#### **Attorney:**

#### **Monon Trail Interlocal Agreement with City of Carmel:**

Mr. Michael Howard stated several months ago the City of Carmel proposed an interlocal agreement with the County concerning the patrolling the section of the Monon Trail outside their municipal jurisdiction. The Sheriff has reviewed this agreement. This agreement states that Carmel police officers are primarily responsible for regular patrol of the Monon Trail from 96th Street to 146th Street. Holt motioned to approve the interlocal with Carmel concerning the Monon Trail and law enforcement. Clark seconded. Dillinger asked if the County will be patrolling it too? Mr. Howard stated no. Motion carried unanimously.

#### **Kleinwood Warranty Deed and Bill of Sale:**

Mr. Howard requested approval of the Warranty Deed for two (2) parcels in the Kleinwood Addition. These parcels are being conveyed back to the Ronald J. Klein Revocable Trust. The Highway Department was initially reluctant to reconvey these small parcels because of the pending attempts to rezone this land as commercial. This deed is a reconveyance only if the land remains residential. If the land goes commercial there will be additional right-of-way exactions upon the developer. Mr. Klein and the developer know that. Mr. Howard also requested approval of a Bill of Sale for the Kleinwood Addition Boat Docks. Holt motioned to approve the execution of the Bill and Sale and the Warranty Deed. Clark seconded. Motion carried unanimously.

#### **Ordinance 3-26-01-B:**

Mr. Howard presented the amended Ordinance 3-26-01-B, Concerning the Orthophotography Fund for signature.

#### **Administrative Assistant: (Tape 2, #1502)**

#### **Juvenile Accountability Grant Award Letter:**

Mr. Fred Swift requested approval and signatures on the Indiana Criminal Justice Institute Juvenile Accountability Incentive Block Grant Program Grant Award Letter. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Pizza Hut Discount:**

Mr. Swift requested approval from Pizza Hut offering a discount for Hamilton County Employees. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **Condemnation of Property - Frank Hohn:**

Mr. Howard requested approval of a resolution of condemnation of property for Mr. Frank Hohn on 146th Street for a total compensation of \$114,000. Holt motioned to approve. Clark seconded. Motion carried unanimously.

#### **96th Street and Towne Road:**

Clark stated when our Highway Department met with the City of Indianapolis in October the Highway Department would need a letter from Indianapolis before we could refigure the cost of the new design for the 96th Street and Towne Road intersection. Clark stated she asked Mr. Stevens if we could move that along and Mr. Stevens stated he could not because we had put on hold all the design work in Clay Township. Clark requested we allow the Highway Department to take 96th Street and Towne Road and continue with the design that was halted because we were waiting on Indianapolis to participate. They have made changes to the design requested by Indianapolis and before they move further to get new costs for the intersection they need our permission. Holt asked if you are asking them to calculate costs or redesign the intersection? Clark stated they can't do anything because we put all the engineering on hold. We would like to have a final cost based on the changes the two staffs have agreed to. Clark motioned to take this intersection out of the hold we have on all West Clay intersections so they can move forward on it. Mr. Howard asked if they are moving to the work necessary to develop an interlocal cost sharing agreement? Clark stated to figure the costs. Mr. Howard asked if they stop there until we get

funding? Clark stated yes. Mr. Stevens stated we were proposing that there be a funding agreement that Indianapolis would agree to do all the land acquisition on their side and fund the construction of that intersection up to 50% of the total construction costs and we are far short of that. Mr. Stevens stated Ms. Clark had asked if we could proceed with developing plans and cost estimates. His response to her was that the Board of Commissioners in a previous meeting had instructed us to stop on all the Clay West intersections. Clark stated she was at a meeting in June when that was discussed. Clark stated she was not at a meeting in October when both sides agreed with the changes that Indianapolis requested. Those changes will dictate a different cost projection. Holt asked up or down? Clark stated she suspects down. Mr. Stevens stated those conversations were based on more participation from Indianapolis than what it is now. If they are going to limit their participation to \$50,000 or whatever their number is, he is not sure the costs are still applicable. Clark stated all she wants is a new cost. Holt seconded. Holt motioned to table because Mr. Locke and Mr. Morasch are not here. Holt asked if we could get information before the next meeting. Clark seconded. Motion carried unanimously. Clark stated we sent a letter to Mayor Peterson in December and during the staff change everything fell through the cracks. In the meantime Indianapolis has contacted her and a meeting has been set for this Wednesday afternoon at 4:15 p.m. It makes no sense to go to this meeting if we have no information. Clark stated she will cancel that meeting. Holt asked her to postpone it. Clark stated it is with the neighborhood representative. Holt stated it would make sense to attend the meeting because we are pushing to do 96th Street and Towne Road. Holt stated because we want to move this along he would encourage Clark to go and take a highway staff person with her. Mr. Stevens stated as far as staff, he was planning on attending the Council meeting on Wednesday, Mr. Locke is on vacation and he is not sure what Mr. Morasch's schedule is. Clark stated she will take care of it.

**Auditor:** (Tape 2, #2037)

**Purdue Extension Agreement:**

Ms. Robin Mills requested approval on the contract with Purdue University for Purdue Extension Contractual Services. Holt motioned to approve the agreement with Purdue. Clark seconded. Motion carried unanimously.

**Gallagher Bassett Addendum #1:**

Ms. Mills requested approval of Addendum #1 with Gallagher Bassett Services, Inc. for run off services. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Liability Trust Claims:**

Ms. Mills requested approval of a Liability Trust Claim in the amount of \$2,136.00 for payment to Gallagher Bassett Services, Inc. for the payment for Addendum #1. Holt motioned to approve. Clark seconded. Motion carried unanimously. Ms. Mills requested payment of two insurance premiums from the liability trust for two new insurance policies payable to Walker and Associates in the amount of \$417.00 and \$900.00. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Clerk of the Circuit Court Monthly Report:**

Ms. Mills requested acceptance of the Clerk of the Circuit Court Monthly Report for February 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Jackson Township Trustee Quarterly Poor Relief Report:**

Ms. Mills requested acceptance of the Jackson Township Trustee Quarterly Poor Relief Report dated March 31, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Fall Creek Township Trustee Quarterly Poor Relief Report:**

Ms. Mills requested acceptance of the Fall Creek Township Trustee Quarterly Poor Relief Report dated March 31, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Vendor Claims:**

Ms. Mills requested approval of Vendor Claims payable on April 10, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

**Payroll Claims:**

Ms. Mills requested approval of Payroll Claims for the period of March 17, 2001 to March 31, 2001 payable April 12, 2001. Holt motioned to approve. Clark seconded. Motion carried unanimously.

Holt motioned to adjourn the meeting. Clark seconded. Motion carried unanimously. Meeting adjourned at 4:50 p.m.

**Commissioners Correspondence**

96th Street Funding Letter from City of Indianapolis

4-H Facilities Calendar for April 2001

City of Noblesville Notice of Public Hearing:

146th Street and Allisonville Road  
BOARD OF COMMISSIONERS

Towne Road Corridor Study Notice of Transmittal

Bridge No. 17 Bid Advertisement Notice of Transmittal

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IDEM Notice of Sewer Permit Applications:

The Horizon - Fishers

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Countryside, Section 15 - Westfield

Mill Grove Sections 2 & 3 - Noblesville

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IDEM Notice of Construct Permit Application:

Indianapolis Water Company

IDEM Notice of Operating Permit Office of Air Quality:

Firestone Industrial Products Company

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IDEM Notice of Appeal Rights:

Carmel Fire Station No. 46 - Carmel

Geist Overlook, Section 3 - Fishers

Stoney Creek Lift Station Improvements Project - Noblesville

Roudebush Woods, Section 3 - Noblesville

Countryside, Section 15 - Westfield

APPROVED:

HAMILTON COUNTY

ATTEST:

Robin M. Mills, Auditor

**Present**

Sharon R. Clark, Commissioner

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Fred Swift, Administrative Assistant to Commissioners

Kim Rauch, Executive Secretary to Auditor

Michael A. Howard, Attorney

Wayne A. Farley, Sheriff's Deputy

Tom K. Stevens, Highway Director

Amy Rayle, Highway Public Service Representative

Virginia Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

Dave Lucas, Highway Inspector

James Farrell, Highway Inspector

Steve Broermann, Highway Technical Engineer

Mark Fisher, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Morasch, Transportation Development Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Dustin Teachnor, Highway Assets Manager

Floyd Burroughs, Floyd Burroughs & Associates

Emily Pittman, Ledger

Judy Levine, County Council

Faraz Khan, Highway Department

Dave Richter, United Consulting Engineers

Samuel E. Moore, Clay Twp Regional Waste District

Jay Alley, Clay Twp Regional Waste District

Frank Hart, Poor Relief Appeal

Billie Caldwell, Noblesville Township Trustee

Larry Stout, GIS

Debbie Folkerts, Assessor

Kent Ward, Surveyor

Bob Hendericks, Emergency Management Director